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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/706,832 | 11/12/2003 | Philip H. Spano JR. | DB000972-002 | 6933 |
| 24122 | 7590 | 07/02/2004 | EXAMINER | |
| THORP REED & ARMSTRONG, LLP ONE OXFORD CENTRE 301 GRANT STREET, 14TH FLOOR PITTSBURGH, PA 15219-1425 | | | BUTLER, MICHAEL E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3653 | |

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,832

Applicant(s)

Spahn et al

Examiner

Michael Butler

Art Unit

3653

cb

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3653

DETAILED ACTION

Priority

1. Applicant's claim of priority to application 10010387 filed 12/7/01 is acknowledged.

Drawings

2. The drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim(s) 1-6 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Haitin et al. which discloses all the claimed elements including:

(Re: cl 1,3, 4, 6) A memory device carrying a set of instructions (ward computer with memory 22) which, when executed, perform a method comprising:
receiving user information (c10 L 32-38);
unlocking certain doors of a dispensing cabinet in response to said user information (c10 L 40-51);
receiving mode information identifying a locate mode (c6 L 62-c7 L 7);
receiving information identifying an item to be located (c3 L 3-13);
flashing a display positioned on a shelf within the cabinet with the number of items held by that shelf which are to be located (c 11 L 1-2 ; c10 L 47-51);
receiving a log off instruction and locking the unlocked doors (c8:L 33-38)
(Re: cl 3,6) displaying the number of items taken on the display (c10 L 40-46);
(Re: cl 2, 5) receiving patient information (c11 L 22-30).

Art Unit: 3653

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim(s) 1-6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over

Arnold which discloses:

(Re: cl 1,3, 4, 6) which, when executed, processor performing a method comprising:
receiving user information (c7 L 54-64);
unlocking certain doors of a dispensing cabinet in response to said user information (c7 L 54-64);
receiving mode information identifying a locate mode (c7 L 54-64);
receiving information identifying an item to be located (c7 L 54-64);
flashing a display positioned on a shelf within the cabinet with the number of items held by that shelf which are to be located (c7 L 54-64);
receiving a log off instruction (c8 L 6-23);
and locking the unlocked doors (c7 L 30-56);
(Re: cl 3,6) displaying the number of items taken on the display (c7 L 54-64)
(Re: cl 2, 5) receiving patient information(c7 L 54-64).

Arnold discloses the method is performed under control of a processor control processor (c4 l 55-c5 L 11). The examiner takes official notice that methods are regularly stored in computer magnetic and ROM memory. It would have been obvious to place the method steps performed by the processor in computer nonvolatile memory to have the computer access the steps upon power up, and facilitate transfer of the steps to machines at remote locations and come up with the invention as claimed.

Art Unit: 3653

Conclusion

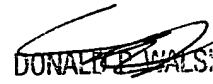
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.



Michael E. Butler

Examiner



DONALD E. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600